



REISSUE PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Reissue Application of

Francois MALLET et al.

Group Art Unit: 1634

Application No.: 09/680,946

Examiner: J. Fredman

Filed: October 6, 2000

Docket No.: 028662.96

For: RNA AMPLIFICATION METHOD REQUIRING ONLY ONE MANIPULATION
STEP

SECOND SUPPLEMENTAL REISSUE DECLARATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

We, Francois MALLET, Guy ORIOL and Bernard MANDRAND, hereby
declare that:

1. We are the same individuals that executed a supplemental reissue declaration relating to the above-identified reissue application on March 30, 2004, as well as two earlier reissue declarations relating to the above-identified patent application. The entire contents of these reissue declarations are herein incorporated by reference.
2. We believe that we are the original inventors of the invention described and claimed in the above-identified reissue application and in U.S. Letters Patent No. 5,817,465, which issued from U.S. Patent Application No. 08/825,617 filed March 31, 1997, which is a Continuation of Serial No. 08/412,229, filed March 27, 1995 (now U.S. Patent No. 5,654,143), which is a Continuation of Serial No. 08/053,498 filed April 29, 1993, now abandoned.

3. We have reviewed and understand the contents of the specification and claims of the above-identified reissue application, as amended in the reissue application.

4. As discussed in the prior reissue declarations, we consider U.S. Patent No. 5,817,465 to be partly inoperative by reason of claiming more or less than we had a right to claim.

5. For example, claim 1 of U.S. Patent No. 5,817,465 recites "obtaining a starting solution by adding to a container comprising the sample, a buffer, a first primer" This phrase is confusing in that it suggests adding components to the sample after the sample is added to the container. However, according to the invention, the ingredients may be added in any order to obtain a starting solution containing all the ingredients. While claim 1 is believed to cover processes involving other orders of addition under the doctrine of equivalents, Applicants are entitled to literal claim coverage of such processes, and it was error to include language in claim 1 that could be construed to limit the order of adding components. Accordingly, patent claim 1 unduly limits the invention. Claim 1, as amended in the Supplemental Amendment filed January 13, 2004, and in the Amendment filed April 18, 2005, corrects this error by deleting the term "comprising" in step (a) of claim 1.

6. All errors being corrected in this reissue application up to the time of filing this declaration arose without any deceptive intention on our part.

7. We have reviewed and understand the contents of this reissue declaration, and all statements made herein of our knowledge are true, and all statements made on information and belief are believed to be true; and further these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the U.S. Code and that such

willful false statements may jeopardize the validity of the application or any patent reissued thereon.

Date: June 2 - 2005

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